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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,829	07/01/2003	Duanfeng He	1413	3041
7590	06/29/2004		EXAMINER	
Kirschstein, Ottinger, Israel & Schiffmiller, P.C. 489 Fifth Avenue New York, NY 10017-6105			TAYLOR, APRIL ALICIA	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/611,829

Applicant(s)

HE, DUANFENG

Examiner

April A. Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: Substitute "drive 60" with -- drive 58 -- (see page 8, lines 20 and 22). Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Khattak (US 5,227,910).

Re claims 1, 2, 9, and 10: Khattak teaches a laser beam scanner comprising a first prism through which at least one of the light beam and the return light is transmitted and optically modified over a first optical distance; a second prism through which at least one of the light beam and the return light is transmitted and optically modified over a second optical distance; a drive for moving at least one of the prisms relative to the other of the prisms and changing at least one of the optical distances to focus at least one of the light beam and the return light at foci spaced along at least one path; and wherein each cross-section of the prisms increases in opposite directions as considered

perpendicularly to the at least one path. (See figures 8-12, 14, and 15; and col. 7, line 56 to col. 10, line 35)

Re claims 3 and 11: Khattak teaches wherein each prism is a right triangular prism (see figures 8, 14, and 15).

Re claims 4 and 12: Khattak teaches wherein the first prism has a first planar face extending perpendicularly to the at least one path, and wherein the second prism has a second planar face extending perpendicularly to the at least one path, and wherein the first and second faces are parallel to each other throughout movement of the at least one prism (see figures 8-12, 14, and 15; and col. 7, line 56 to col. 10, line 35).

Re claims 5 and 14: Khattak teaches wherein the prisms have planar contact faces in surface area engagement with each other throughout movement of the at least one prism (see figures 8-12, 14, and 15; and col. 7, line 56 to col. 10, line 35).

Re claims 6 and 13: Khattak teaches wherein the drive moves the at least one prism in drive directions perpendicular to the at least one path (see figures 8-12, 14, and 15; and col. 7, line 56 to col. 10, line 35).

Re claim 7: Khattak teaches wherein the prisms are right triangular prisms having planar contact faces at each hypotenuse, and wherein the contact faces engage each other in a common plane, and wherein the drive moves the at least one prism in drive directions along the common plane (see figures 8-12, 14, and 15).

Re claims 8 and 15: Khattak teaches wherein the drive is operative for moving the at least one prism in a continuous manner to form a multitude of focii in a range

between a first sum of the first and second optical distances and a second sum of the first and second optical distances (see figures 8-12, 14, and 15; and col. 7, line 56 to col. 10, line 35).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Imoto (US 5,696,610) discloses a color image reader; DeJager et al (US 5,002,365) discloses a color imaging apparatus; and Hiiri (US 4,855,761) discloses a recording apparatus.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to April A. Taylor whose telephone number is (571) 272-2403. The examiner can normally be reached on Monday - Friday from 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [april.taylor@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the

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confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
AAT

24 June 2004



KARL D. FRECH  
PRIMARY EXAMINER